

**ZONING CHANGE REVIEW SHEET**

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**CASE:** C14-2011-0103 IBC Mueller View

**P. C. DATE:** 10/25/11, 11/08/11, 02/14/12

**ADDRESS:** 1206 – 1218 E. 51<sup>st</sup> Street

**AREA:** 1.457 acres

**APPLICANT:** Tommie Nell Bernal, Gary & Doyal Valdez, Larry Bartling, Mueller View, L.P., Austin Gay & Lesbian International Film Festival & Thomas McDonald

**AGENT:** Graves, Dougherty, Hearon & Moody (Peter Cesaro)

**NEIGHBORHOOD PLAN AREA:** Windsor Park

**CAPITOL VIEW:** No

**T.I.A.:** Waived – See the Transportation Reviewer’s comments.

**HILL COUNTRY ROADWAY:** No

**WATERSHED:** Tannehill Branch

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** GR-MU-V-CO-NP, Community Commercial, Mixed Use, Vertical Mixed Use, Conditional Overlay, Neighborhood Plan.

**ZONING TO:** GR-MU-V-CO-NP, Community Commercial, Mixed Use, Vertical Mixed Use, Conditional Overlay, Neighborhood Plan to change a condition of zoning.

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of GR-MU-V-CO-NP, Community Commercial, Mixed Use, Vertical Mixed Use, Conditional Overlay, Neighborhood Plan to change the Conditional Overlay to allow “drive in services” on Tract “32” in ordinance number 20070809-057. The current Conditional Overlay will have an addition of a 2,000 vehicle trip limit.

**DEPARTMENT COMMENTS:**

The site is currently developed with multiple structures including a duplex, single family residence and a small apartment building. The applicant is proposing to construct as bank with drive through lanes. The zoning case is within the boundaries of the University Hills/Windsor Park (UHWP) Neighborhood Plan. The existing and proposed zoning of GR-MU-V-CO-NP are consistent with the mixed use land use category on the Future Land Use Map. The subject properties are located on 51<sup>st</sup> Street between the intersections of Cameron Road and Lancaster Court. As stated on page 45, an objective for this area is to, “Transform 51<sup>st</sup> Street into a pedestrian friendly street with businesses that support both the neighborhoods north of 51<sup>st</sup> and the proposed businesses and land uses within the Mueller redevelopment.” The applicant has met with the neighborhood on numerous occasions to get input from the neighborhood association and the adjacent neighbors. After negotiations that lasted a couple of months, the Windsor Park Neighborhood Association and the Windsor Park Contact team support the applicant’s request. (see attached letters).

**PLANNING COMMISSION RECOMMENDATION:**

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**BASIS FOR RECOMMENDATION:**

- 1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The request is in keeping with the directive in the adopted Windsor Park Neighborhood Plan that states "Transform 51<sup>st</sup> Street into a pedestrian friendly street with businesses that support both the neighborhoods north of 51<sup>st</sup> and the proposed businesses and land uses within the Mueller redevelopment."

**EXISTING ZONING AND LAND USES:**

|              | ZONING        | LAND USES                         |
|--------------|---------------|-----------------------------------|
| <b>SITE</b>  | GR-MU-V-CO-NP | Duplex, single family residential |
| <b>NORTH</b> | MF-2          | Multifamily                       |
| <b>SOUTH</b> | PUD           | Mueller Planned Unit Development  |
| <b>EAST</b>  | GR-MU-V-CO-NP | Single family residential         |
| <b>WEST</b>  | GR-MU-V-CO-NP | Single family residential         |

**CASE HISTORIES:**

| CASE NUMBER   | REQUEST          | PLANNING COMMISSION         | CITY COUNCIL                  |
|---------------|------------------|-----------------------------|-------------------------------|
| C814-04-0055  | From AV to PUD   | Approved PUD<br>[Vote: 9-0] | Approved PUD<br>[Vote: 7-0]   |
| C14-2074-0071 | From LR to CS-CO | Deny CS-CO<br>[Vote: 6-1]   | Approved CS-CO<br>[Vote: 5-0] |

**NEIGHBORHOOD ORGANIZATION:**

- Del Valle Community Assoc.
- Anberly Airport Assoc.
- Windsor Park Neighborhood Assoc.
- Windsor Park-Pecan Springs Heritage Neighborhood Assoc.
- Responsible Growth for Windsor Park

**SCHOOLS:**

Blanton Elementary School, Pearce Middle School, Reagan High School

**SITE PLAN:**

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the north and east property line, the following standards apply:

- No structure may be built within 25 feet of the property line zoned or use as single family.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
  - No parking or driveways are allowed within 25 feet of the property line zoned or use as single family.
  - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

**TRANSPORTATION:**

- TR1.** No additional right-of-way is needed at this time.
- TR2.** A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]
- TR3.** Existing Street Characteristics:

| Name        | ROW | Pavement | Class    | Sidewalk? | Bus Route? | Bike Route? |
|-------------|-----|----------|----------|-----------|------------|-------------|
| Lancaster   | 50  | 25       | Local    | No        | No         | No          |
| 51st Street | 75  | MAU 4    | Arterial | Yes       | Yes        | Yes         |

**ENVIRONMENTAL:**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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- 6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**CITY COUNCIL DATE:** December 8th, 2011  
March 8<sup>th</sup>, 2012

**ACTION:** Postponed

**ORDINANCE READINGS:** 1<sup>ST</sup> 2<sup>ND</sup> 3<sup>RD</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Clark Patterson  
[Clark.patterson@ci.austin.tx.us](mailto:Clark.patterson@ci.austin.tx.us)

**PHONE:** 974-7691



1915



1" = 200'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

### ZONING

ZONING CASE#: C14-2011-0103



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



SUBJECT TRACT

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CS-NP

CS-NP

GR-NP

LIQUOR

ES

CS-V-NP

CO-NP

MU NP

GS-1 NP

CS-C-NP

CO-NP

CS-NP

CS-V-NP

GR-V-CO-NP

CABLE

MU NP

APTS

CO-NP

E 51ST ST

LANCASTER CT

CH40

SUBJECT TRACT

PUB

BARBARA JORDAN BLVD

LANCASTER DR

PUB

CH40

4-0055

PUB

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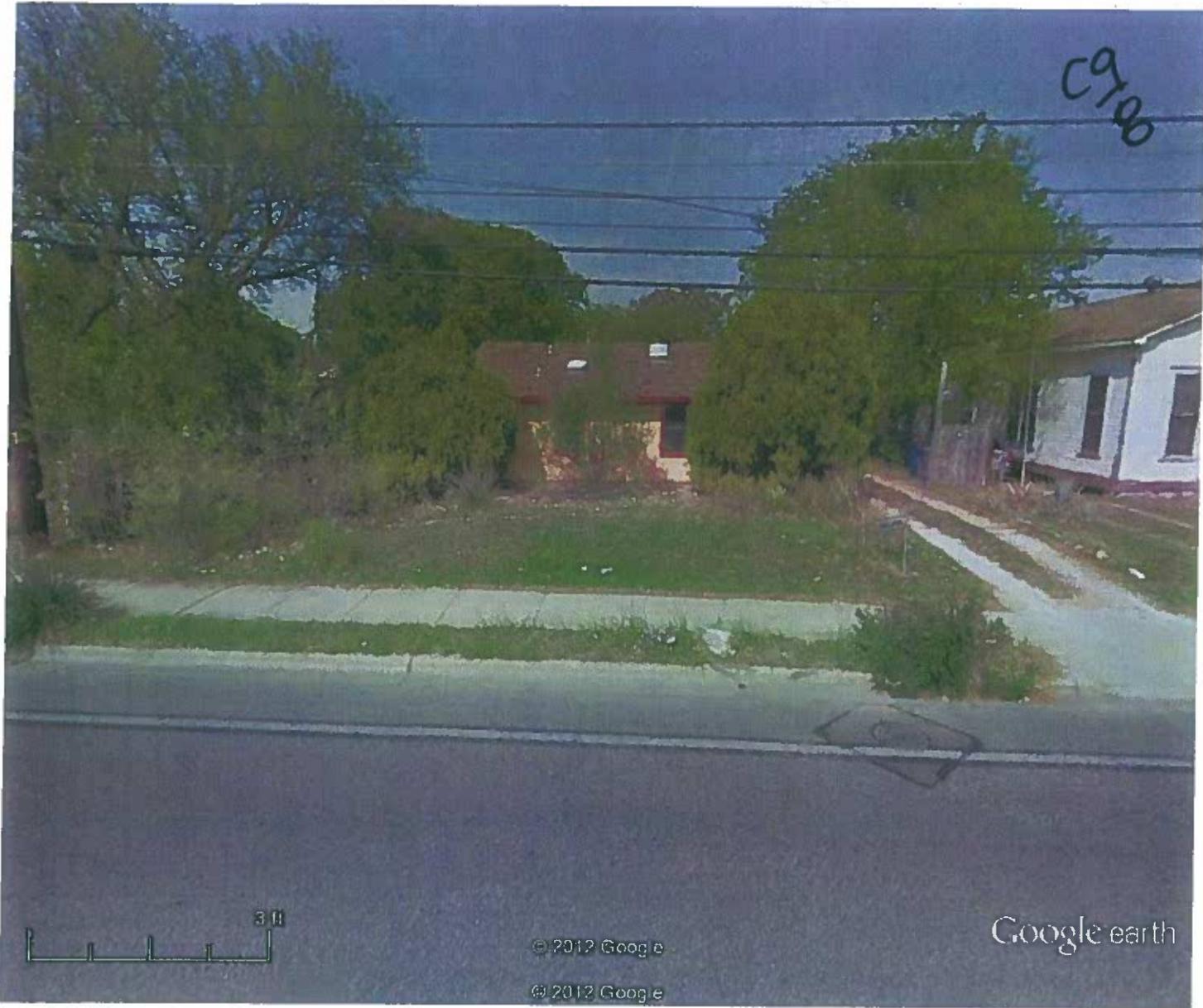
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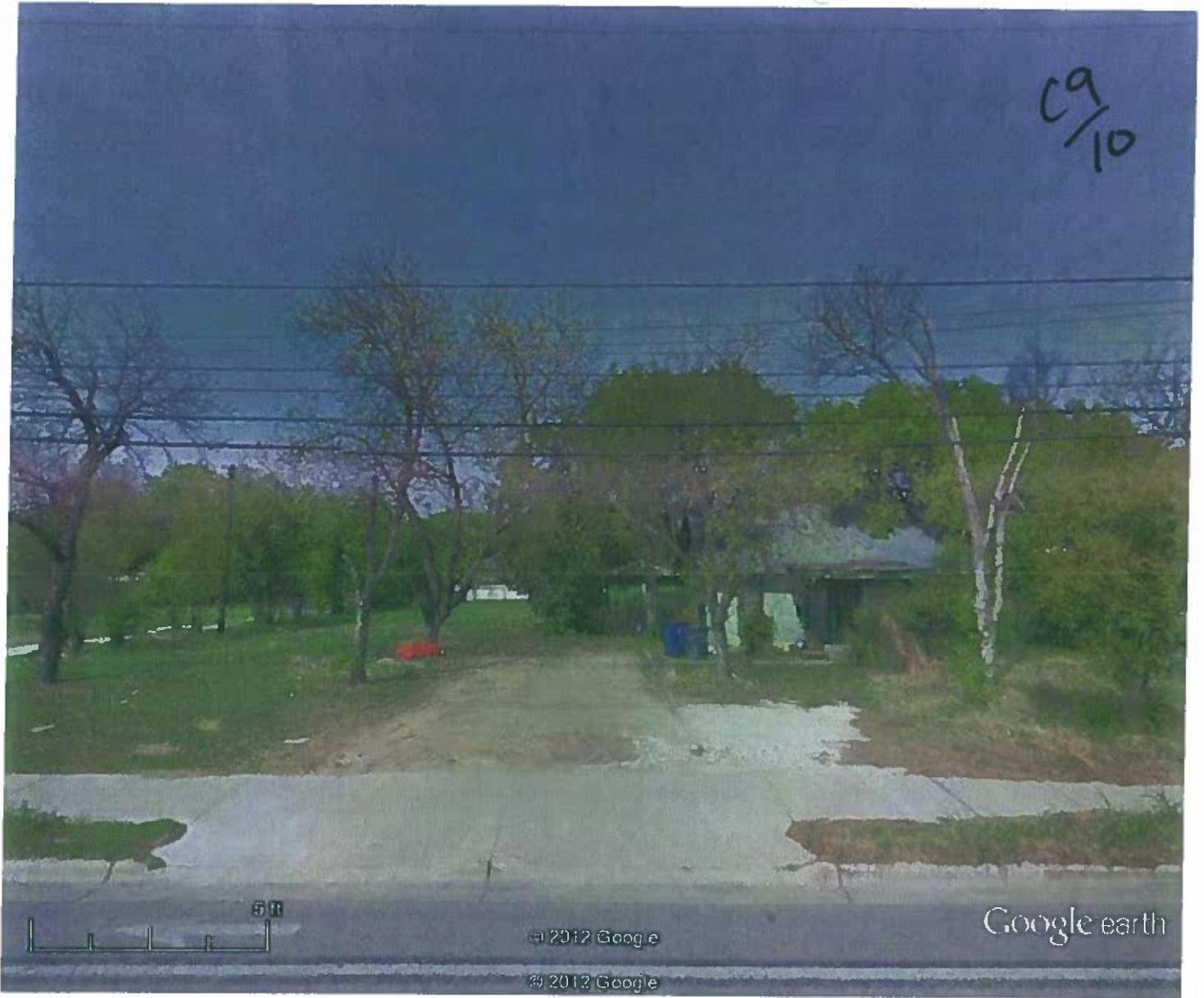
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Google earth

feet 10  
meters 3



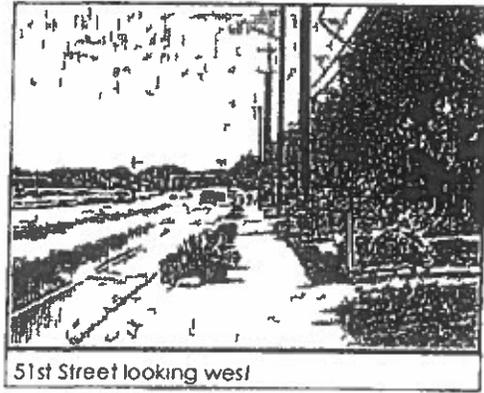
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11

## LAND USE AND DEVELOPMENT

### Park neighborhood

#### Recommendations

- Adopt the Neighborhood Urban Center infill option on the Capital Plaza site (5300 North IH 35)
- Maintain the Vertical Mixed Use Overlay on the Capital Plaza site (5300 North IH 35)



51st Street looking west

*Objective Allow for additional residential development on the parcels between IH 35 & Cameron Road*

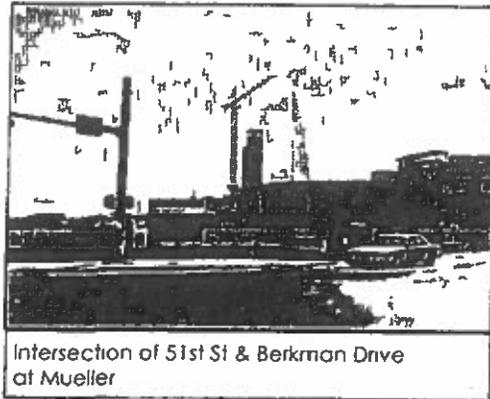
#### Recommendation

- Adopt the Mixed Use Combining District on these parcels to permit residential development

*Objective Consider the view of the University of Texas Tower in the design of in any proposed new developments along Cameron Road and preserve the view to the maximum extent feasible*

#### Recommendation

- The design and height of structures should not block the view of the UT Towers when looking south on Cameron Road



Intersection of 51st St & Berkman Drive at Mueller

### 51<sup>ST</sup> STREET & VICINITY

Land Use Workshop held on June 24 2006

With the redevelopment at the former Robert Mueller Municipal Airport 51<sup>st</sup> Street will become a more highly traveled roadway with greater importance in the City of Austin's transportation system. Additionally, it will serve as the gateway to two dense neighborhoods: Windsor Park and Mueller. A wide variety of land uses currently exists along 51<sup>st</sup> Street, including older single family dwellings, apartment complexes, small offices, and two large churches (See aerial photograph on Page 43). UHWP plan participants envision 51<sup>st</sup> Street as a pedestrian friendly, mixed use roadway. In addition to the community's desire for increased commercial development along 51<sup>st</sup> Street, they also want the neighborhoods north of 51<sup>st</sup> Street to remain buffered from the anticipated additional traffic and more intense land uses along 51<sup>st</sup> Street and within the

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## LAND USE AND DEVELOPMENT

### Mueller redevelopment

*Objective Transform 51<sup>st</sup> Street into a pedestrian-friendly street with businesses that support both the neighborhoods north of 51<sup>st</sup> and the proposed businesses and land uses within the Mueller redevelopment*

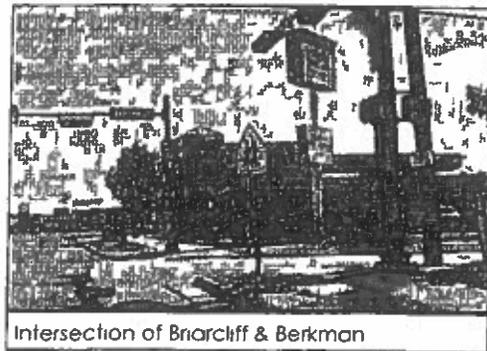
#### Recommendations

- Rezone properties to commercial mixed use to allow for office retail and restaurant opportunities and restrict automobile oriented businesses
- Maintain the Vertical Mixed Use overlay on 51<sup>st</sup> Street to allow for additional residential development with an affordability component
- Support the designation of 51<sup>st</sup> Street as a Core Transit Corridor as defined in the Design Standards and Mixed Use Subchapter so pedestrian friendly design elements will be required with redevelopment of this street (See the Design subchapter)

*Objective Buffer the Windsor Park neighborhood from the land uses on the south side of 51<sup>st</sup> Street (e.g. Dell Children's Center large retail stores etc.)*

#### Recommendations

- Maintain multi family zoning of properties currently in multi family use along 52<sup>nd</sup> Street
  - These multi family units currently provide affordable housing in close proximity to several job centers (businesses in Capital Plaza the Mueller redevelopment)
- As a transition from the proposed commercial uses on 51<sup>st</sup> street to residential uses on 52<sup>nd</sup> street allow for office uses in the current residences on Lancaster Court by rezoning these lots to an office zone district intended for small scale office uses often in former residential structures
- Transition from commercial to office uses on 51<sup>st</sup> Street as it approaches the entrance to the Windsor Park neighborhood at Berkman Drive



# Windsor Park Neighborhood Association

Austin, Texas 78723



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January 18, 2012

Clark Patterson  
Planning and Development Review Department  
Austin, Texas

Case Number: C14-2011-0103 / Public Hearing for Rezoning

Dear Mr. Patterson:

On January 14, 2012, the Windsor Park Neighborhood Association (WPNA) at its regularly scheduled monthly meeting and in accordance with by-laws requirements, voted 22-6 to re-open discussion of the request by IBC to locate a bank on the north side of East 51<sup>st</sup> Street and the corner of Lancaster Drive. Following a presentation by and discussion with IBC President Bob Barnes, Michael Whellan and Lahoma Day, WPNA voted 19-6, with 4 abstentions, to support the request for a Conditional Overlay by the International Bank of Commerce (IBC). The proposal that was approved by WPNA included a clause to be written in the final agreement that the two drive through lanes will not convey to new owners other than a financial institution should IBC sell the property.

Over the past ten months, IBC representatives have met with both the Windsor Park Neighborhood Contact Team and the Windsor Park Neighborhood Association. They have listened to neighborhood concerns and have modified their plan. Although our recommendation modifies the Windsor Park Neighborhood Plan, IBC will be an asset to Windsor Park, and we support their continued involvement in our community.

I encourage you to recommend the change to permit the Conditional Overlay requested by the International Bank of Commerce.

Please note that the vote at the January 14, 2012 meeting and this letter replace the October 18, 2011 WPNA letter, which opposed the IBC request.

Sincerely,

Jeanette Swenson  
President, Windsor Park Neighborhood Association  
6210 Brookside Drive  
Austin, Texas 78723  
512-524-1973  
jeanetteswenson@yahoo.com

To: Planning Commission and City Council members

Re: C14-2011-0103-IBC Mueller View

Date: Jan. 16, 2012

C9  
/14

On January 9, 2012, Windsor Park Contact Team held a meeting in accordance with our bylaws to discuss IBC's proposed future land use amendment to allow drive thru lanes at their proposed location of E. 51<sup>st</sup> and Lancaster.

The Windsor Park University Hills Neighborhood Plan prohibits drive thru lanes at this location and based on several meetings between IBC management and Contact Team members items of concern were addressed and resolved to the Contact Team satisfaction. We approved their request by vote.

Bob Mebane, Windsor Park Contact Team President

512-947-5938

rem@grandecom.net

20 Jan 2012

Mr. Clark Patterson,

19/15

In the intervening months since the notification of application for a zoning variance was received, numerous presentations have been made by IBC Bank to our neighborhood association and the Neighborhood plan contact team. Each time the presenters listened carefully to our objections and kept returning to us with revised concepts till most recently they were able to allay our concerns ~~to the degree~~ sufficiently to receive a favorable vote, by a significant margin, in favor of their project from both the Windsor Park Neighborhood Assoc. and the Neighborhood Plan Contact team. As a member of both organizations I now concur with the majority feeling that the IBC Bank is welcome and would be good for our neighborhood's future.

Sincerely,

Walt Olmick

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From: **Mueller Neighborhood Association** <[betsy.hilton@gmail.com](mailto:betsy.hilton@gmail.com)>  
Date: Sat, Oct 22, 2011 at 5:59 PM  
Subject: Oct. 25 Agenda Item C6 - Case #C14-2011-0103  
To: [sully.jumpnet@sbcglobal.net](mailto:sully.jumpnet@sbcglobal.net), [dchimenti@austin.rr.com](mailto:dchimenti@austin.rr.com), [vskirk@att.net](mailto:vskirk@att.net),  
[amdealey@aol.com](mailto:amdealey@aol.com), [dave.anderson.07@gmail.com](mailto:dave.anderson.07@gmail.com), [mnrghatfield@yahoo.com](mailto:mnrghatfield@yahoo.com),  
[alfonsohernandez@gmail.com](mailto:alfonsohernandez@gmail.com), [commjms@sbcglobal.net](mailto:commjms@sbcglobal.net), [donna.plancom@gmail.com](mailto:donna.plancom@gmail.com)  
Cc: rick krivon <[krivon@aol.com](mailto:krivon@aol.com)>, MNA Steering Committee  
<[steering@muellercommunity.com](mailto:steering@muellercommunity.com)>

Members of the Planning Commission: I am writing in my role as chair of the Mueller Neighborhood Association (MNA) and on behalf of our Steering Committee.

The MNA Steering Committee voted unanimously to oppose the conditional overlay request to allow drive-through lanes as requested by IBC Bank for a planned development on 51st Street near Lancaster Avenue. This item is Case #C14-2011-0103.

The drive-through lanes are a conditional use that we oppose, as Windsor Park's neighborhood plan calls for the restriction of auto-oriented businesses on 51st, and this proposal doesn't fit with the mixed-use shown on the plan's Future Land Use Map. Furthermore, there a visioning effort is currently underway for the 51st Street corridor. Early indications are that neighborhoods along this corridor are interested in pedestrian friendly development on both sides of 51st Street. The proposed drive-through lanes are simply not compatible with the goals of the adjoining neighborhoods. We believe it would be premature to deviate from Windsor Park's neighborhood plan, against their wishes while a consensus vision for the 51st Street corridor is being developed.

We also note that while IBC is planning to develop along 51st Street, they are closing nine locations in the Austin area.

We urge you to deny the request for drive-through lanes, thereby supporting our joint neighborhood vision for a walkable and bikeable urban environment.

**Betsy Hilton, Chair**  
Mueller Neighborhood Association  
[mna@muellercommunity.com](mailto:mna@muellercommunity.com)

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2011-0103

Contact: Clark Patterson, 974-7691

Public Hearing: Sep 27, 2011, Planning Commission  
Oct 20, 2011, City Council

Steven Guy Nebarez

Your Name (please print)

1127 E. 52nd St. #19

Your address(es) affected by this application

Steven Guy Nebarez

Signature

Date

Daytime Telephone: 847-660-8359

Comments: I don't own a car. The location in question has enough traffic to contend with. Banks with drive through have a tendency to put the ATM at the drive through. Not always for pedestrians. It is popular, however, it is also hazardous. People count money, while in gear,

If you use this form to comment, it may be returned to:

City of Austin  
Planning & Development Review Department  
Clark Patterson  
P. O. Box 1088  
Austin, TX 78767-8810

I am in favor  
 I object

6/19/11

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Case Number: C14-2011-0103

Contact: Clark Patterson, 974-7691

Public Hearing: Sep 27, 2011, Planning Commission  
Oct 20, 2011, City Council

AMANDA ROUSHMAN  
Your Name (please print)

1705 E ZEN ST #102 AUSTIN TX 78723  
Your address(es) affected by this application

Amanda R. Roushman SEP 17  
Signature 5127772-88820  
Daytime Telephone: ~~512-777-7772~~

|  |
|--|
| <input type="checkbox"/> I am in favor       |
| <input checked="" type="checkbox"/> I object |

Comments: IF YOU WANT TO PUT ANYTHING ON THIS ROAD PUT IT ON SOUTH SIDE OF THE ROAD.

THANK YOU

If you use this form to comment, it may be returned to:

City of Austin  
Planning & Development Review Department  
Clark Patterson  
P. O. Box 1088  
Austin, TX 78767-8810

8/19

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Case Number: C14-2011-0103

Contact: Clark Patterson, 974-7691

Public Hearing: Sep-27, 2011, Planning Commission OCT 25, 2011  
Oct 20, 2011, City Council ?

LARRY R. BARTLING

Your Name (please print)

1210 E. 51st St.

Your address(es) affected by this application

Larry R. Bartling

Signature

OCT 18, 2011

Date

Daytime Telephone: 254-690-2522

I am in favor  
 I object

Comments: IDOC HAS PROPOSED A WELL-PLANNED PROJECT THEY HAVE ADDRESSED ALL THE CONCERNS OF THE NEIGHBORHOOD ASSOC. THEY HAVE EVEN CALLED THE DRIVE-THRU LANES AT 2 LANE'S. THERE WOULD BE NO MORE SOLUTION FROM DRIVE-THRU LANES THAN THERE WOULD BE FROM MULTI-USE BLUES. IBC PLANS TO HOLD A JOINT AFFAIR TO HIRE QUALIFIED PERSONS TO STAFF THE BANK FROM THE WINDSOR PARK NEIGHBORHOOD. THE PROJECT WOULD BOTH UPGRADE AND ENHANCE THE APPEARANCE OF THAT AREA OF 51st AND THE NEIGHBORHOOD.

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City of Austin  
Planning & Development Review Department  
Clark Patterson  
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9/19